

## Chapter 18.15 ESSENTIAL PUBLIC FACILITIES

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### **18.15.010 Purpose and applicability.**

The purpose of this chapter is to establish a formal process for identifying and siting essential public facilities and minimizing their adverse impacts. Essential public facilities are defined in MMC 18.02.050 and include, but are not limited to, airports, state education facilities, state or regional transportation facilities, jails and other correctional facilities.

Nothing in this chapter shall be construed as precluding the siting of essential public facilities within the city of Monroe, when consistent with the Washington State Growth Management Act and other state statutes and regulations. For the purposes of this chapter, "preclude" is defined as to render impossible or impracticable, and "impracticable" is defined as not practicable, incapable of being accomplished by the means employed or at command. (Ord. 016/2006 § 1)

### **18.15.020 Exemptions.**

The following are exempted from the provisions of this chapter:

- A. Additions to existing essential public facilities, within the existing property boundaries, which are exempt from review under the Washington State Environmental Policy Act, Chapter 20.04 MMC and Chapter 43.21 RCW.
- B. Essential public facilities for which the city's regulatory authority is preempted by state or federal law, or is otherwise inconsistent with state or federal law. (Ord. 016/2006 § 1)

### **18.15.030 Identification of essential public facilities and determination of local, regional, state, or federal facility.**

During the preapplication meeting, the director shall determine if an application is an essential public facility. (Ord. 016/2006 § 1)

### **18.15.040 Special use permit required for essential public facilities.**

- A. Essential public facilities shall qualify as special uses, subject to the requirements of Chapter 18.96 MMC, Outline of Procedures for Conditional and Special Use Permits, Variances and Administrative Appeals, and Chapter 18.97 MMC, Special Use Permits.
- B. Essential public facilities shall be limited to the zoning districts identified in MMC 18.10.050, Zoning land use matrix. Facilities sited by a regional decision-making body, such as the state or federal government, shall not be subject to MMC 18.15.050.
- C. The application shall be made according to the submittal requirements checklist provided by the community development department pursuant to MMC 18.97.040, Application requirements, and include the fee as established by the current fees resolution.
- D. The special use permit application shall also include a public participation plan designed to encourage early public involvement in the permitting decision and in determining possible mitigation measures.
- E. An essential public facility must satisfy the conditions of this chapter and Chapter 18.97 MMC, Special Use Permits.
- F. Special use permits for essential public facilities may not be conditioned or denied to the extent that the condition or denial would preclude the siting of the essential public facility. (Ord. 016/2006 § 1)

#### **18.15.050 Decision criteria for local essential public facilities.**

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The hearing examiner may recommend approval, or approval with conditions, for a special use permit to the Monroe city council for a local essential public facility only when the proposal meets all of the following criteria in addition to the criteria imposed by Chapter 18.96 MMC; provided, that this section shall not apply to facilities sited by a regional decision-making body:

- A. The proposal is consistent with the comprehensive plan;
- B. The project sponsor has demonstrated the need for the project, supported by an analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;
- C. If applicable, the project will serve a significant share of the city's population, and the proposed site will reasonably serve the project's overall service population;
- D. The sponsor has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology;
- E. The project is consistent with the sponsor's own long-range plans for facilities and operations;
- F. The project will not result in a disproportionate burden on a particular geographic area;
- G. The sponsor has provided a meaningful opportunity for public participation in the siting decision and development of mitigation measures that is appropriate in light of the project's scope, applicable requirements of the city code, and state or federal law;

- H. The proposal complies with applicable city requirements of Chapter 18.10 MMC, Land Use Zoning District and District Requirements, and all other applicable provisions of the city code;
- I. The project site meets the facility's minimum physical site requirements, including projected expansion needs. Site requirements shall be determined by the minimum size of the facility, setbacks, access, support facilities, topography, geology, and on-site mitigation needs;
- J. The proposal, as conditioned, adequately mitigates adverse impacts to life, limb, property, the environment, public health and safety, transportation system, economic development, and other identified impacts;
- K. The proposal incorporates specific features to ensure that it is compatible to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding properties; and
- L. The project sponsor has proposed mitigation measures that provide substantial assistance to displaced or impacted businesses in relocating within the city of Monroe and greater Snohomish County. (Ord. 016/2006 § 1)

#### **18.15.060 Development agreement for regional, state, or federal essential public facilities.**

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A development agreement is encouraged for all regional, state, and federal essential public facilities. The council shall strive to reach accord on an agreement that satisfies the following criteria to the extent the criteria do not preclude the siting of an essential public facility:

- A. The proposed agreement is compatible with the goals and policies of the comprehensive plan;
- B. The proposed agreement is consistent with applicable development regulations, unless modified by MMC 18.15.070;
- C. The proposed agreement provides for adequate mitigation of adverse environmental impacts; provided, that if the development is not defined at a project level, the agreement shall provide a process for evaluating and mitigating such impacts in the future; and
- D. The proposed agreement reserves authority to impose new or different regulations to the extent required by a serious threat to public health and safety. (Ord. 016/2006 § 1)

#### **18.15.070 Modifications for development agreements.**

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The city council may approve a development agreement that creates exemptions or modifications to the requirements of this title to the extent necessary to avoid preclusion of an essential public facility sited by a regional decision-making authority. (Ord. 016/2006 § 1)

#### **18.15.080 Independent consultant review.**

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- A. The department may require independent consultant review of the proposal and to assess its compliance with the criteria contained in this chapter.

B. If independent consultation is required, the sponsor shall follow the provisions of MMC 3.34.040, Reimbursement for consultant costs. (Ord. 016/2006 § 1)

**18.15.090 Building permit application.**

A. Any building permit for an essential public facility approved under this chapter shall comply with all conditions of approval in the special use permit. In the event a building permit for an EPF is denied, the department shall submit, in writing, the reasons for denial to the project sponsor.

B. No construction permits may be applied for prior to approval of a special use permit for an essential public facility unless the applicant signs a written release acknowledging that such approval is neither guaranteed nor implied by the department's acceptance of the construction permit applications. The applicant shall expressly hold the city harmless and accept all financial risk associated with preparing and submitting construction plans before the final decision is made under this chapter. (Ord. 016/2006 § 1)

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**The Monroe Municipal Code is current through Ordinance  
002/2016, passed April 5, 2016.**

Disclaimer: The City Clerk's Office has the official version of the Monroe Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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